



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,522	11/06/2003	Tooru Ichikawa	ISHP: 045	7355
27890	7590	05/20/2005		
STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			EXAMINER HYLTON, ROBIN ANNETTE	
			ART UNIT 3727	PAPER NUMBER

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/701,522

Applicant(s)

ICHIKAWA, TOORU

Examiner

Robin A. Hylton

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/10/04; 3/25/04; 11/6/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, drawn to a packaging bag, classified in class 383, subclass 119.
  - II. Claims 8-21, drawn to a method of forming a packaging bag, classified in class 493, subclass 186.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Group I and Group II are related as process of making and product made.

The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the bag can be formed by utilizing two separate sheets of film, placing and bonding the framework strips to the respective sheets of film, then heat sealing the edges of the film sheets to form a package interior.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Roger Parkhurst on April 28, 2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-7. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-21 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Acknowledgement of applicant's response filed April 27, 2005 to the oral election made April 27, 2005. Wherein the reasons for the restriction requirement is set forth in this Office

Art Unit: 3727

action, applicant is required to comply with MPEP 818.03 in order to maintain the rights afforded therein.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Blomqvist (US 3,568,918).

Disclosed is a packaging bag comprising a main bag body having a rectangular shape and made of plastic film material 3,4, said main bag body having an opening and a plurality of heat sealed portions 11,12; and a framework member 5 disposed in said main bag body, said framework member being joined to said main bag body, said framework member being foldable/unfoldable together with said main bag body, to enable said framework member and said main bag body to be shifted between a generally flat collapsed state and an expanded state.

The process limitations set forth in the claim(s) do not materially change the scope of the claimed finished packaging bag.

8. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Akai et al (JP 2-4651).

Disclosed is a packaging bag 10 comprising a main bag body having a rectangular shape and made of plastic film material 5,6, said main bag body having an opening, a linear fastener 17 provided on said opening of said main bag body, and a plurality of heat sealed portions 11; and a framework member 7 disposed in said main bag body, said framework

Art Unit: 3727

member being joined to said main bag body, said framework member being foldable/unfoldable together with said main bag body, to enable said framework member and said main bag body to be shifted between a generally flat collapsed state and an expanded state; said framework member comprises a pair of opposite reinforcing sections, each of said reinforcing sections having a rectangular shape having first pair of opposite side edges and second pair of opposite side edges, said first pair of opposite side edges being embedded in said pair of heat-sealed portions; said second pair of opposite side edges is bonded to said main bag body at other regions than said pair of heat-sealed portions.

The process limitations set forth in the claim(s) do not materially change the scope of the claimed finished packaging bag.

9. Claims 1,3,6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammond et al (US 5,184,896).

Disclosed is a packaging bag comprising a main bag body having a rectangular shape and made of plastic film material 12,14, said main bag body having an opening and a plurality of heat sealed portions 18,19; and a framework member 40 disposed in said main bag body, said framework member being joined to said main bag body, said framework member being foldable/unfoldable together with said main bag body, to enable said framework member and said main bag body to be shifted between a generally flat collapsed state and an expanded state; said framework member comprises a pair of opposite reinforcing sections, each of said reinforcing sections having a rectangular shape having first pair of opposite side edges and second pair of opposite side edges, said pair of opposite side edges and said second pair of opposite side edges being thermally bonded to said main bag body at other regions than said pair of heat-sealed portions; and said framework member comprises a sleeve.

Art Unit: 3727

The process limitations set forth in the claim(s) do not materially change the scope of the claimed finished packaging bag.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berghgracht is cited for its structural features similar to the packaging bag of the instant invention. Cox et al '477 is provided for its teaching of the bag material not specifically set forth in the applied Hammond reference.

11. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

12. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. \_\_\_\_\_ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 872-9306 on the date shown below:

Typed or printed name of person signing this certificate

\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

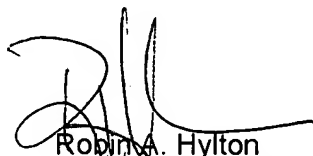
Art Unit: 3727

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (571) 272-4549.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148 or may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAH  
May 18, 2005



Robin A. Hylton  
Primary Examiner  
GAU 3727